

**IN THE UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF ALABAMA**

**SOUTHERN PRIDE ROOFING AND
CONSTRUCTION, LLC,**

Plaintiff,

v.

**UNITED SPECIALTY INSURANCE
COMPANY and APPALACHIAN
UNDERWRITERS, INC.**

Defendants.

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CIVIL ACTION

NO.

SECTION: “ “

MAGISTRATE

NOTICE OF REMOVAL

Defendants, United Specialty Insurance Company and Appalachian Underwriters, Inc., hereby remove, pursuant to 28 U.S.C. §1441, *et seq.*, civil action Docket Number CV-2015-901901.00 pending in the Circuit Court of Madison County, Alabama, to the United States District Court for the Northern District of Alabama, on the grounds of diversity of citizenship, 28 U.S.C. §1332, for the following reasons:

1. This is an action for declaratory judgment, breach of contract, and bad faith relative to whether defendants have a duty to defend and indemnify plaintiff under a policy of commercial general liability insurance as set forth in the attached Complaint filed on 10/20/2015. Copies of all process, pleadings, and orders served in the state court proceeding are attached as Exhibit “A.” Plaintiff alleges that Defendants wrongfully failed to defend it and to pay the claim in the underlying action, *Michael Canada and State Farm Fire and Casualty Company v. 24-7 Construction and Southern Pride Roofing and Construction, LLC*, regarding alleged damages

arising from roofing work performed by plaintiff. Plaintiff seeks damages, including attorney fees and punitive damages.

2. Process was served on Appalachian Underwriters, Inc., on 10/26/15. Process was served on United Specialty Insurance Company on 10/27/15. Thus, notice of removal is timely filed in compliance with 28 U.S.C. §1446(b).

3. This court has jurisdiction pursuant to 28 U.S.C. §1332. There is complete diversity of citizenship as to all parties and the amount in controversy, exclusive of interest and costs, exceeds the sum of \$75,000.

4. Plaintiff, Southern Pride Roofing and Construction, LLC, is an Alabama limited liability company having its corporate offices in Madison County, Alabama.

5. Neither of the defendants is a citizen of Alabama.

6. Defendant Appalachian Underwriters, Inc., is a Tennessee corporation with its principal place of business in Oak Ridge, Tennessee.

7. Defendant United Specialty Insurance Company is a Delaware corporation with its principal place of business in Dodson, Texas.

WHEREFORE, United Specialty Insurance Company and Appalachian Underwriters, Inc., notify the Court and all other parties that the above-captioned action now pending in Circuit Court for Madison County, Alabama, has been removed to the United States District Court for the Northern District of Alabama.

/s/ John W. McClurkin
JOHN W. MCCLURKIN
Attorney for United Specialty Insurance Company
And Appalachian Underwriters, Inc.

Of Counsel:

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CERTIFICATE OF SERVICE

I hereby certify that I have on this 25th day of November 2015, caused a copy of the foregoing to be uploaded via the ECF court filing system and served electronically on counsel for all parties of record who are registered participants by the electronic notification given by ECF at the time of filing on this day. I also sent a copy of the foregoing via U.S. mail, properly addressed and postage prepaid, to Kenneth Joe Wilson, Esq., 2100 Southbridge Parkway, Suite 580, Homewood, AL 35209.

/s/ John W. McClurkin
John W. McClurkin